

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CONSOLIDATED INDUSTRIES, LLC)	
d/b/a WEATHER KING PORTABLE)	
BUILDINGS,)	
)	
Plaintiff,)	
)	Civil Action No. 1:22-cv-01230-STA-jay
v.)	
)	Chief Judge S. Thomas Anderson
JESSE A. MAUPIN, BARRY D.)	
HARRELL, ADRIAN S. HARROD,)	
LOGAN C. FEAGIN, STEPHANIE L.)	
GILLESPIE, RYAN E. BROWN, DANIEL)	
J. HERSHBERGER, BRIAN L. LASSEN,)	
ALEYNA LASSEN, and AMERICAN)	
BARN CO., LLC,)	
)	
Defendants.)	

**PLAINTIFF'S RESPONSE TO ABCO DEFENDANTS' MOTION TO STAY
DISCOVERY AND PLAINTIFF'S MOTION FOR EXTENSION OF CASE
MANAGEMENT DEADLINES**

Although Plaintiff "Weather King" agrees with the "ABCO Defendants" that the deadline to conclude fact depositions should be extended, it opposes their request to stay all discovery pending resolution of Weather King's motion for sanctions (Doc. 185). *See* Doc. 194.

A stay of discovery is not warranted for several reasons. First, even if the Court grants Weather King's motion for sanctions and enters default against the ABCO Defendants, at least certain of the remaining depositions (including those of the Defendants who have not been deposed) will be necessary—including as it relates to the issue of punitive damages.

Second, Weather King is entitled to depose the remaining Defendants about issues relevant to Weather King's motion for sanctions. An explanation is owed from each Defendant as to why Weather King obtained documents from the forensic examination and other sources that

Defendants owed an obligation to preserve but did not produce in response to Weather King's written discovery requests. Because Defendants have steadfastly refused to provide any explanation,¹ depositions have been the only avenue for Weather King to extract from Defendants the reasons why they failed to fulfill their discovery obligations.

Finally, although Weather King strongly believes that default is the appropriate remedy for Defendants' discovery abuses, the October 27, 2025 trial date may be compromised if the Court elects not to enter default, discovery is stayed, and the parties are forced to complete depositions only at a later date. The Court has already afforded Defendants an extension until April 3, 2025, in which to respond to Weather King's motion for sanctions (Doc. 193), and it could be quite some time before the Court has the opportunity to rule on Weather King's motion. That could make it very difficult for the parties to be prepared for an October 2025 trial date.

That said, Weather King agrees that the unexpired deadlines set forth in the current case management Order (Doc. 150) should be extended. Weather King has a number of depositions it needs to complete, and, despite repeated requests, these Defendants have declined to offer dates in which to do so based on their position that the Court should defer all depositions until after a ruling on Weather King's motion for sanctions. Weather King respectfully suggests that a call be scheduled with Magistrate Judge York so that the parties may discuss this further.

Respectfully submitted,

/s/ David L. Johnson

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¹ See, e.g., Doc. 187-4, 5/5/23 letter from defense counsel at 2 ("We are not required to give you an explanation of the facts as they are"); Doc. 117, 8/4/23 Hearing Tr. at 10:14-11:4 (declining the Court's invitation to offer an explanation).

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2025, I filed the foregoing with the Court using the ECF system, which will provide notice and a copy to counsel of record:

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